

"Whether posting on social media or drafting a blog, a broadband Internet user is able to generate and make available information online. Whether reading a newspaper's website or browsing the results from a search engine, a broadband Internet user is able to acquire and retrieve information online. Whether it's an address book or a grocery list, a broadband Internet user is able to store and utilize information online. Whether uploading filtered photographs or translating text into a foreign language, a broadband Internet user is able to transform and process information online. In short, broadband Internet access service appears to offer its users the "capability" to perform each and every one of the functions listed in the definition—and accordingly appears to be an information service by definition.

We seek comment on this analysis. Can broadband Internet users indeed access these capabilities?"

Yes, I can access these capabilities. But the key thing is that these capabilities are only accessed through my ISP, not provided by it. The actual storage, transformation, processing, retrieving and making available is done by other third-party services. And that is exactly what I want as a consumer. When I post to Twitter, all I want the ISP to do is send my data (which I generate) to Twitter, which then handles storing it and making it available. Same with my blog, where all I want is to transmit data to my third-party hosted web server, running the Wordpress software I've personally configured there. When I store a grocery list in iCloud notes, all I want the ISP to do is transmit the data back and forth to Apple's servers. When I translate text in a foreign language using Google Translate, all I want is the data to go to Google and the response I've requested to come back. In short, all of these instances are perfect examples of wanting pure "transmission" of "information of my choosing" all "without change in the form or content of the information sent and received."

"If broadband Internet access service does not afford one of the listed capabilities to users, what effect would that have on our statutory analysis? More fundamentally, we seek comment on how the Commission should assess whether a broadband provider is "offering" a capability. Should we assess this from the perspective of the user, from the provider, or through some other lens?"

I feel that, given Internet access service does not afford the listed capabilities in a reasonable construction, the analysis and attempt to reclassify as something other than a "telecommunications service" under Title II is flawed. Especially given the phrasing of the notice of proposed rulemaking in terms of consumer benefit, I think looking at things primarily through the lens of a consumer makes the most sense. And, from my perspective, I want my ISP to be a dumb pipe, sending data back and forth between me and services that I request.

"We seek comment on how consumers are using broadband Internet access service today. It also appears that many broadband Internet users rely on services, such as Domain Name Service (DNS) and email, from their ISP. Is that correct? If not, what services are broadband Internet users accessing from what

providers? More generally, we seek comment on the relevance of this analysis."

I personally don't rely on my ISP's DNS because I found it inferior to third party options. In particular, it injected ads as part of a very unhelpful DNS error "assist" (see: <http://www.att.net/dnserrorassist/about/>). I instead use Google DNS. Similarly, I don't even recall the email address AT&T may have provided, as I never use it. I don't think things like DNS should be particularly relevant to the analysis as, from a consumer perspective, they are just details of how things are transmitted that are abstracted away. Bundled services may be slightly more relevant. But, I think an analysis needs to look at why consumers are using those bundled services. Is it because they actually want them and would be willing to value them by paying more for them if they weren't bundled? I don't recall having any choice in the matter of whether or not I got email service when choosing an ISP, all plans included them by default. If I could have saved some money by going without, I would have happily done so. But there wasn't a choice, which should make it irrelevant to the analysis if it's only being used because it came bundled with the primarily desired service: a broadband internet telecommunications.

"We believe that consumers want and pay for these functionalities that go beyond mere transmission—and that they have come to expect them as part and parcel of broadband Internet access service. We seek comment on our analysis. What functionalities beyond mere transmission do Internet service providers incorporate into their broadband Internet access service? We particularly seek comment on the Title II Order's assertion that the phrase "points specified by the user" is ambiguous—how should we interpret that phrase so that it carries with it independent meaning and is not mere surplusage? Is it enough, as the Title II Order asserted, for a broadband Internet user to specify the information he is trying to access but not the "points" between or among which the information will be transmitted? Does it matter that the Internet service provider specifies the points between and among which information will be transmitted?"

I can't think of any functionalities beyond transmission of requested data that I want incorporated into my service. And I certainly wouldn't want to pay more for if given a choice. The only thing I can recall was seeing was serving ads when DNS requests failed to resolve, which was a very undesired behavior, and prompted me to switch my DNS service to a third party. I don't see the "points specified by the user" as particularly ambiguous. The point may not be a physical location that I know, but neither is a telephone number. As a consumer, when I use Twitter's site or app to post to Twitter, I know that I want to transmit the data of my post request to Twitter's service. The same as when I make a call to a number for a company, I expect to be connected to a representative of that company. It extremely pedantic, and entirely unreasonable, to expect me to know or care exactly what path the connection will take or the exact location of the party I am communicating with. I still have clearly expressed a desire for my data to be transmitted to a service. If caching, DNS resolution, routing, or IPv4 to v6 conversion are involved that I'm not completely aware of, that's just details and shouldn't affect the classification. That would be akin to saying if you can't specify the latitude and longitude of the address on a package to be mailed, and aren't aware of exactly what processing facilities it will pass through and in what order, then you can't claim to

have a destination point in mind. Such an interpretation would be asinine. I think the Title II Order assertion is appropriate in this case.

More generally, I have not personally seen any harm from the Title II Classification. Available speeds from my two local providers (AT&T and Comcast) have both increased while the rules have been in effect. I am personally concerned that a change in the classification might cause me harm, as I currently rely on third party services for voice (via Ooma) and video (via Netflix, Amazon, and occasionally other services including Youtube TV and Sling) that directly compete with similar offering from my current ISP, AT&T (U-Verse voice and DirectTV). I switched to Ooma's VoIP a year ago specifically because it was significantly cheaper while offering more features. It's saved me over \$400 vs. my previous AT&T VoIP offering, but I am concerned that something like paid prioritization could be used to favor AT&T's more limited and more expensive offering. Similarly, AT&T is has recently been heavily pushing their DirectTV and DirectTV Now services (I receive multiple mailing each week) and I am concerned that a change in classification might be used to disadvantage over-the-top video services I prefer and feel offer a better value. When it comes to ISPs, I don't really have much choice or ability to switch providers. The house I live in is only wired for AT&T. The only competitor to offer wired broadband-class service is Comcast, and they've indicated there may be an installation fee costing up to hundreds of dollars, plus new equipment fees, not to mention likely a need to take time off to be home for an installation. So I have limited choice in a duopoly market and face potentially high friction in trying to make a change between the limited competitive offerings. As such, I have serious concerns over any attempt to reclassify and potentially remove some of the regulations that prohibit things like paid prioritization.

Thank you for consideration of my comments.